## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA BRYSON CITY DIVISION 2:11CV2

RICK L. HODGES and	)	
CORNERSTONE HOMES OF	)	
HIGHLANDS, LLC,	)	
	)	
Plaintiffs,	)	
	)	
v.	) <u>OR</u>	<u>DER</u>
	)	
MOUNTAIN HERITAGE BANK,	)	
	)	
Defendant.	)	
	_)	

Pending before the Court is the Motion to Substitute Party [# 19].

Defendant moves pursuant to Rule 25(c) to substitute First American Bank and

Trust Company as the Defendant in this case. Defendant Mountain Heritage Bank
was closed and placed in receivership on June 24, 2011. First American Bank and

Trust Company then entered into a purchase and assumption agreement with the

Federal Deposit Insurance Company. Accordingly, First American Bank and Trust

Company is now the proper party to this action. Plaintiffs do not oppose the

substitution of parties of this case. The Court, therefore, GRANTS the Motion to

Substitute Party [# 19]. The Court DIRECTS the Clerk to SUBSTITUTE First

American Bank and Trust Company for Mountain Heritage Bank as Defendant and

Counter Claimant in this action.

Signed: September 23, 2011

Dennis L. Howell United States Magistrate Judge